

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
AUGUST 20, 2007 – 7:00 PM**

PRESENT: Ben Moore, Chairman
Bill Lally, Vice Chairman
James Workman
Rick Griffin
Fred Welch, Town Manager
Maureen Duffy, Administrative Assistant

REGRETS: Virginia Bridle-Russell

Chairman Moore called the meeting to order at 7:00PM and introduced those in attendance

SALUTE TO THE FLAG

A moment of silence was held for Thomas J. Gillick Jr. who passed away on August 17. Mr. Gillick was a very active member of the community, who served as Selectmen, a State Representative, and was a member of the Planning Board.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Chairman Moore complimented Animal Control Officer, Pete McKinnon for his outstanding service. The Town Manager received a letter from a Hampton resident who was very impressed by Mr. McKinnon's prompt and excellent service. Mr. Moore also announced that compliments were received for the Public Works Department for a job well done on the sewer lines along Toby Street and Gray Avenue.

Chairman Moore noted that the Selectmen will not be meeting next Monday, August 27 and will be resuming their regular schedule starting September 10. He also reminded residents that the Seafood Festival will be held on September 7, 8 and 9. There is no admission fee on Friday, September 7 for those interested in attending that evening. Mr. Moore also announced the 6th Annual Pig Roast this September 1st.

Mr. Griffin mentioned that Tom Gillick will be greatly missed by the community.

Mr. Workman reminded citizens that the American Legion Hampton Post 35 will be unveiling the dedication of the new names to the Global War on Terrorism Memorial Monument. The dedication will take place on September 11 at 6PM at the American Legion Post 35 hall at 69 High Street.

II. APPOINTMENTS

1. RECREATION & PARKS DIRECTOR DYANA MARTIN – UPDATE

Recreation and Parks Director Dyana Martin and Program Coordinator Rene Boudreau addressed the Board. Director Martin discussed the parks maintenance program. There has been a lot of work accomplished such as sprucing up the grounds around the old Town Hall and preparing fields for flag football, soccer and tackle football.

Mrs. Martin went on to discuss the status of the parking lots. The lots have been open since April. Revenues have surpassed last year's by \$1,431.95.

The Department has been very busy with their recreation programs. Trips for seniors have been arranged to Mohegan Sun, Foxwoods, shopping in Freeport-LL Bean and the Christmas Tree Shop, Kittery Outlets, the Salem Mall, the Tanger Outlets in Titton, Castle in the Clouds, Portland Symphony Orchestra and a trip to the Canterbury Shaker Village.

All summer camps ended last Friday, August 17. The Department had approximately 40 camps and programs with 913 children attending.

For the first time since Mrs. Martin has worked for the Recreation Department (16 years) a child went missing during one of the camps (Creative Crickets). Mrs. Martin explained that on August 9th the counselors took the group to Tuck Field for water games. Apparently the group split up with counselors. One group went to the playground and the rest stayed at water games. The Director explained that when the group was ready to leave the Cricket kids were counted and all were accounted for. The counselors also checked the entire playground before they left, just in case. The group walked back to Centre School and counted the group again and that is when the counselors realized that there was a child missing. Two counselors immediately returned back to the playground and found the little boy and called the Director of Recreation & Parks right away to inform her of the incident. After learning of the missing boy Mrs. Martin went to the playground and went back to Centre School with the group. Mrs. Martin contacted the child's parents as soon as she got back to her office to let them know about the incident.

In effort to create and implement corrective policies and procedures Mrs. Martin met with the counselors, the Town Manager, and with other departments. She also contacted other Recreation Departments and caregivers for their input and advice. The Director wrote a letter and sent it to all Creative Cricket parents on Friday, August 17, informing them of the incident and of the new procedures that have been added to the summer camp guidelines.

To make certain that a missing child incident never occurs again the following guidelines have been added to the summer camp manual:

- At the start of every weekly session there will be a "Monday meeting" between the staff and the Counselors, Counselors in Training (CIT) and volunteers.
- CIT's and volunteers will not be allowed to take children away from the group (i.e. bathroom, first aid, etc.) without direct communication with the counselor.
- Clear and concise guidelines will be provided to all counselors, CIT's and volunteers.
- Counselors will always carry their cell phones and walkie talkies.
- Each counselor will have a list of children they are responsible for rather than one list of all.

- CIT's will no longer be free in the camp to move from counselor to counselor. They will be separated and each counselor will have a CIT that works with their specific group.
- The number of adult counselors will increase next year by at least two.
- Each time the group moves there will be a written roll call check list completed.
- In addition to Counselors being trained in CPR, First Aid and abuse they will also be trained in Youth Protection by certified trainers.
- The entire program will be examined annually for revisions or required updates.

Mrs. Martin expressed her heartfelt regret about the incident and is hopeful that the new procedures will prevent a missing child situation from ever occurring again.

Director Martin also thanked the Cub Scout Pack 176 for all that they did to make Summer Festival a success. There were many activities such as carnival games and karate demonstrations for all to enjoy.

In accordance with RSA 31:95-e a public hearing is required prior to accepting a boat for Ruth Stimpson Park. The boat is worth approximately \$750.

SELECTMEN'S RESPONSE TO REPORT

Mr. Lally said that he has talked to Mrs. Martin about the missing child incident and noted that he would be livid if this happened to one of his kids. He mentioned that he has known Mrs. Martin for many years and views her as a responsible Director and he knows that this incident has upset the Department greatly. Mr. Lally also noted that the Town Manager has issued a memorandum to the Board with additional recommendations to the program. Mr. Lally understands how upset the family must be about the incident but asked residents to following the proper chain of command prior to contacting the local news media. He also noted that thousands of children have gone through the camps over the years and this is the first and hopefully the last incident.

Mr. Workman mentioned that his children have participated in Crickets Camp and believes that the camps are well run. He said that it would be a shame if the Department did not learn from the mistake and is pleased that new procedures have been instituted. Mr. Workman suggested that the Department consider establishing a "buddy program" so that each child is responsible for telling the counselors if their buddy is missing. Mrs. Martin said that she did speak to Mrs. Bridle-Russell about the buddy system and is fond of the idea.

Chairman Moore said that everyone is very happy that no harm came to the missing child. He did note that parents have been concerned about how long it took for the Department to notify the other parents of the incident. As recommended by the Town Manager, the Department has made it a policy to notify parents within 24 hours of any sensitive situations. Mrs. Martin noted that her intent of the letter mailed out last Friday was to inform parents of the incident as well as of the procedural changes. She mentioned that it took a lot of time to speak with the appropriate departments and caregivers prior to making policy changes. Mrs. Martin also pointed out that she immediately contacted the missing child's parent but not all the Cricket kids' parents as she required some time to plan the program and policy changes. She also mentioned that all camp program policies will be reviewed annually.

Mr. Welch said that parents will be notified within 24 hours of any reportable incidents. He is hopeful that the annual review will tighten up the process so that a child does not go missing again.

Mr. Griffin asked if there was enough full time staff with the children that day. Mrs. Martin noted that there was. Mr. Griffin asked how long the child was missing. Mrs. Martin believes that it was for approximately 20 minutes.

Mr. Griffin asked what type of reaction Mrs. Martin is getting from parents. Mrs. Martin said that most parents are understanding about the incident. She regrets that she was not able to get the letter out to parents faster but was preoccupied with dealing with other Department matters and inquiring how to make effective procedural amendments. Mrs. Martin said that she wanted to make sure that the procedural changes were complete prior to sending them to the other parents.

Mr. Griffin asked if the Department is doing too much and taking on too much of a workload. Mrs. Martin admitted that the Department is very busy and perhaps the workload needs to be reviewed. Mr. Griffin mentioned that he received phone calls about the incident and is pleased that there are new safeguards in place to help. He also noted that it is very important that the Department has adequate staff to look after children.

Mrs. Martin is very sorry that the incident happened and that she and the Department staff have been devastated about it. She noted that Cricket Camp is a popular program and believes that it is safer now with the new policy amendments.

Chairman Moore noted that the Selectmen and staff all regret the incident.

2. ART NADEAU – PERMISSION TO RECONSTRUCT / REPAIR PATIOS & PLACE STAIRS

Mr. Nadeau noted that he was before the Board of Selectmen on May 14th seeking permission to rebuild seawalls at 1060, 1062, 1064 and 1066 Ocean Boulevard that were damaged during the April 2007 storm. Unfortunately he did not have a survey or construction plan at that time. Since then he has been before the Planning Board who requested that he come back to the Selectmen for additional approval since a portion of the patio areas for 1060, 1062, 1064 and 1066 Ocean Boulevard are situated on Town property. Mr. Nadeau noted that the patios have been on Town property since the leased land was sold to the property owners. According to the deed description, when the land was sold the property line split the patio areas leaving a portion of the patio on Town land and the other portion on the property owner's land.

Mr. Nadeau came before the Board of Selectmen to request permission to reconstruct / repair the portion of the patios on Town land. The amount of proposed Town land required to restore the patios is as follows:

- 1060 Ocean Boulevard – 57 square feet
- 1062 Ocean Boulevard – 182 square feet
- 1064 Ocean Boulevard – 104 square feet
- 1066 Ocean Boulevard – 26 square feet

The Planning Board has also requested that Mr. Nadeau seek approval from the Selectmen for permission to build two sets of removable stairs for beach access on Town land. One set of stairs will be 1060 and 1062 Ocean Boulevard and the other will be for 1064 and 1066 Ocean Boulevard.

Mr. Griffin MOTIONED to permit the use of Town land to build patios as specified in Mr. Nadeau's written request (*1060 Ocean Boulevard – 57 square feet, 1062 Ocean Boulevard – 182 square feet, 1064 Ocean Boulevard – 104 square feet, 1066 Ocean Boulevard – 26 square feet.*). In addition, permit two sets of removable ocean access stairs to be constructed on Town property for 1060 and 1062 Ocean Boulevard and the other set for 1064 and 1066 Ocean Boulevard. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

III. MINUTES – AUGUST 6, 2007

Approved as distributed

IV. OLD BUSINESS

1. TOWN MANAGER'S REPORT

The Hampton Chamber of Commerce has informed the Town Manager that the 2007 Christmas Parade will not be held. With the recent passage of a new law, the Chamber has determined that it is unable to comply fully with the new requirements for the safety of children during the parade. The Chamber has informed Mr. Welch that after the conclusion of the Seafood Festival that it will be developing an alternate Christmas Children's Celebration.

The Fire Department has been authorized to seek candidates for the position of Firefighter/Paramedic and/or Firefighter/EMT. Letters of intent and resumes are due to Deputy Chief Steve Benotti not later than 5PM August 23rd. The position is not new, it is a replacement position.

Mr. Welch asked the Board if they desire to schedule a meeting regarding the Fish House with the new owner.

The Budget period for Town Departments has closed. The Town Manager asked the Selectmen if they wish to follow the same procedures in securing petitioned warrant articles for Human Service Agencies. The Selectmen came to the conclusion to follow the same protocol as last year and are willing sponsor level funding social service warrant articles.

Mr. Welch reminded drivers to be aware that schools will soon be opening and children will be crossing streets and school buses will be in operation.

The Town Manager also announced that the Police Department is conducting a low light night firing on Monday, September 20 through to Friday, September 24 between the hours of 8 p.m. to 10 p.m. The Department is required by State law to conduct these training practices. The outdoor firing range is located at the Public Works Facility.

The Board has received a copy of the MS-4 which has been filed with the Department of Revenue (DRA) indicating the Town's estimate of revenues for the purpose of establishing the tax rate for 2007. The form must be filed with DRA before September 1. When the tax rate date is set, the Finance Director will then go back and review the MS-4 to determine if there are any increased revenues that can be plugged in for the purpose of decreasing the amount to be raised.

Mr. Welch noted that there is a Budget Workshop on September 25 & 27 for the Selectmen to attend. The American Legion Hampton Post 35 is unveiling the new names to their Global War on Terrorism Memorial Monument on September 11 at 6PM at the Legion Hall at 69 High Street. The Town Manager also mentioned that there is a Municipal Law Lecture Series available to the Selectmen if interested.

SELECTMEN'S RESPONSE TO THE TOWN MANAGER'S REPORT

Mr. Griffin confirmed that he would like to attend the Budget Workshop on September 27. Mr. Welch will make certain that arrangements are made for him to attend.

Mr. Moore noted that the Fire Department vehicles that were lost due to the April flood were lost during evacuation missions and not left at the station as mentioned at the last Selectmen's meeting. He also reported that the Town's insurance provider issued approximately \$19,000, which is close to half of the cost of the two new vehicles the Selectmen issued to be purchased at the September 6 meeting. The Town is also appealing FEMA's decision to not fund the vehicles.

The Town is still waiting for FEMA funds to be distributed by the State.

Mr. Workman MOTIONED to schedule a public hearing for September 10 to accept the Boat donation to be placed at Ruth Stimpson Park. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

2. FISH SHACK

The Selectmen received a letter in July from Peter and Judith Curtis indicating that in 1959 the NH Supreme Court ruled that unless a fish house owner was currently an active fisherman, the fish house would have to be removed or destroyed. The letter also mentioned that this law is still in effect today.

Town Attorney Gearreald has reviewed historical documents and has written a memorandum to the Board informing them that the current use is not in accordance with the 1950 Town Meeting vote, which the subsequent court action by the Town sought to implement. The current owner of the fish shack may not be a fisherman and is apparently using the shack for storage. It was questioned if the Selectmen should place a warrant article on this year's ballot so that voters may determine if the current owner may use the fish house as a storage facility.

Mr. Palmer addressed the Board and mentioned that his parents owned a fish shack. He came to discuss the 1959 ruling and noted that the mechanics of how the structure was transferred and its current use are not in compliance with the law.

The Board requested that the Town Manager and Town Attorney meet with the current owner to discuss the fish shack situation. After the meeting takes place, the Selectmen will then consider a Warrant Article to address the problem.

OLD BUSINESS CONTINUED

Mr. Griffin discussed the need for Hampton to have an effective and efficient recycling program. He noted that there are grants available for the Town to utilize. He is hopeful that the Chamber of Commerce will consider a recycling program for the Seafood Festival.

Mr. Griffin also noted that residents are in favor of wind turbines to generate electricity and that Hampton should be considering these types of alternative energy options. He said that many communities in Maine, Vermont and in New Hampshire are taking advantage of wind energy.

IV. NEW BUSINESS

1. COMCAST LICENSE RENEWAL

The Selectmen requested that the Town Manager make arrangements to use the WHS auditorium for a public hearing to discuss renewing the Comcast license agreement. A date will be set in October and will be discussed at the September 10th meeting.

2. MUNICIPAL RECORDS COMMITTEE

The Town Manager provided the Board with a memorandum that discusses the provisions of RSA 33-A, Disposition of Municipal Records. The statute requires that the Town constitute a committee to govern the disposition of municipal records. Items such as placing records on microfilm (only media recognized by the State) and CD copies should be researched by the committee. Welch noted that the Town Clerk's office is running out of room and that the State storage facility may be considered as a resource for potential storage. The committee shall designate the office responsible for the retention of each type of record created for the municipality.

According to RSA 33-A:3, the committee is to consist of the Town Clerk, Treasurer, Assessor and Tax Collector.

Mr. Workman MOTIONED to establish a Municipal Records Committee that includes the Town Clerk, Town Treasurer, Town Tax Collector, Town Assessor, IT Manager, a Selectmen member and a member of the Heritage Commission. **Mr. Griffin SECONDED.**

VOTE: UNANIMOUS FOR

Mr. Workman will communicate to the Heritage Commission that there is a need for one of their members to serve on this Committee.

The Board will appoint a representative to act as a member of the committee at the September 10th meeting.

3. SCHEDULE PUBLIC HEARING FOR FIRE DEPARTMENT GRANT

Mr. Workman MOTIONED to schedule a public hearing on September 10th to accept grant funds for the Fire Department. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

4. SENIORS FOR A SENIOR CENTER REQUEST

Maurie Friedman, Jeannine St. Germain, Ester Hopkins, approached the Board to answer any questions that the Board may have regarding their letter they submitted dated August 7th.

Mr. Friedman noted that the senior group had met with Head Start (a federally funding organization) to discuss the viability of sharing a facility, specifically the former Town Hall. According to Mr. Friedman both groups came to the conclusion that the site and sharing of facility would work.

Mr. Moore noted that the Selectmen cannot by law commit to a lease agreement longer than a year. He also mentioned that the Board has not received a written request from Head Start.

Chairman Moore said that the Town has a Planning Charette arranged in September to provide direction on municipal property along Winnacunnet and it would be premature to commit one of the structures under review.

Mrs. St. Germain expressed the seniors' interest in the old Town hall and asked if it would be possible for the Selectmen to provide the building for at least five years. She noted that seniors need a facility for their welfare and wellbeing. Mrs. St. Germain also pointed out that there would be no cost to the Town if Head Start was permitted to renovate the building.

Chairman Moore explained that the Selectmen do not have the authority to lease the facility for more than a year without voter approval. He also mentioned that perhaps after the Charette the Head Start program may want to submit a request in writing and the Selectmen may then consider sponsoring a warrant article. Mr. Moore also pointed out that individual residents may also submit an article to go before the voters.

Mrs. St. Germain requested that the Board grant an official Town appointed senior center committee. Chairman Moore requested that the group submit a written proposal with a mission statement to the Selectmen for consideration.

5. SPEED LIMIT REQUEST ON FALCONE CIRCLE AND ST. CYR DRIVE

Mr. Welch has submitted the request to the Police Department. They are doing a review of all roadways in accordance with State statutes that with a request to reduce the mph to 25.

OTHER NEW BUSINESS

Mr. Lally talked about the parking problems that have been occurring at the end of High Street.

Mr. Lally MOTIONED to amend the ordinance to state no parking on the north side of High Street from Route 1A to Mill Pond Road. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

Mr. Griffin discussed the absence of a crosswalk from the Ashworth Hotel across to Nudd Avenue. It is believed that that section of roadway was repaved. Mr. Workman asked the Town Manager to check to see to the crosswalks in the area have been restored.

Mr. Griffin said that ice cream trucks are selling on Beach Plum Way. According to the Town Ordinance hawkers and peddlers are prohibited to sell along that street. Mr. Welch said that he spoke to the Building Inspector about the problem and he will be going down to check on the situation.

Chairman Moore noted that the Selectmen received a letter from the auditor stating that they are not able to guarantee that the financial report can be made available prior to the annual report deadline. Mr. Moore said that it could lower the number of pages that would need to be printed but financial information will need to be made available to citizens. Mr. Moore asked the Town Manager to discuss the matter with the Finance Director to determine what the best method of distributing the information would be.

VI. CONSENT AGENDA

1. Request for Sidewalk Sale - Seafood Festival
2. Block Party
3. Raffle Permit
4. DRA Municipal Services – Form 5
5. DRA Municipal Services – Form 1

Mr. Griffin MOTIONED to approve the consent agenda as presented. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

VII PUBLIC COMMENTS

Lisa Crowley, the mother of the three and a half year old boy who went missing during Cricket Camp came before the Board. She wanted to express and make certain that the Board understands the seriousness of the incident. Ms. Crowley said that her son was missing in an unsafe situation for at least 20 to 30 minutes and that none of the staff had cell phones to communicate to one another. In addition, Ms. Crowley said that no one has apologized to her that her child was missing. She believes that no policy changes would have been made unless she pushed the seriousness of the incident. Ms. Crowley said that Mrs. Martin was more concerned about her counselors then about her son.

Chairman Moore apologized on behalf of the Board and Town of Hampton staff. He said that everyone has been very concerned about the incident and that procedural changes have been developed and implemented since her son went missing. Mr. Moore also said that it is important that the policies and procedures are reviewed annually. He also believes that staff would have taken corrective actions to improving policies without being pushed by Ms. Crowley.

Mr. Griffin said that everyone feels very bad that the incident happened and apologized to Ms. Crowley. He said that it is a very important issue and it has not gone unnoticed.

Mr. Lally apologized to Ms. Crowley and assured her that corrective policies have been developed.

VIII. CLOSING COMMENTS:

None

IX. ADJOURNMENT

Mr. Workman MOTIONED to adjourn at 8:54 p.m. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

Chairman